REMARKS

Claims 1-20 are pending in the application and stand rejected.

Rejection under 35 U.S.C §101

Claims 15-17 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 15 has been amended herein to recite a software element on a computer readable medium, and Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Rejection under 35 U.S.C §102

Claims 1-2, 8-9 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,145,096 to Bereiter. In particular, the Examiner finds that, with regard to claim 1, Bereiter discloses all of the claimed limitations. Applicants have reviewed the reference with care, paying particular attention to the passages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference.

Claim 1 recites, *inter alia*, polling the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated. The Examiner asserts that this is disclosed by Bereiter's steps 84 and 86 of Fig. 5. Applicants disagree. The method of Bereiter is iterative in that the client keeps providing information about the problem encountered until the support provider can identify the problem and thus provide a solution (please see, e.g., col. 7 ll. 17-29). Step 86 is clearly not a polling of the support provider, but rather a polling *by* the support provider of the client for more information regarding the problem encountered (the new diagnostic map). Contrary to the Examiner's assertion, the client of Bereiter does not poll the support provider for a response; rather, the support provider keeps polling the client (by repeatedly sending new diagnostic maps to be solved by the client/on the client machine) until the support provider is able to identify the problem and offer a solution. Applicants therefore respectfully submit that claim 1 is in fact patentable over Bereiter. Should the Examiner disagree, Applicants respectfully request him to

clearly and specifically point out where Bereiter discloses this feature in accordance with 37 C.F.R. 1.104(c)2, or else to kindly reconsider and pass this claim to issue.

Claims 2, 8-9 and 12 depend from claim 1. In view of the above discussion, it is submitted that claim 1 is allowable, and for this reason claims 2, 8-9 and 12 are also allowable at least by virtue of their dependency.

Rejection under 35 U.S.C §103

Claims 10-11, 13-18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bereiter in view of the Pawlan article. Applicants respectfully disagree.

Claim 13 recites, *inter alia*, dispatching a polling application operative to poll the support provider for a response to the query and notifying the user that a response has become available, the polling application being dispatched, from or on behalf of the support provider. As discussed above with respect to claim 1, Bereiter does not in fact disclose such polling by the client of the support provider, but rather polling by the support provider of the client for additional information regarding the encountered problem. Thus, for this reason at least, the asserted combination of Bereiter and Pawlan do not anticipate each and every limitation of claim 13, and Applicants respectfully request the Exmaienr to kindly reconsider and pass this claim to issue as well.

Similar to claim 13, claim 14 recites, *inter alia*, a polling application whereby repeated polling of the support source for a response to a support query may be effected, and claim 15 recites a software element operative to effect or permit a download of a polling element whereby a support provider may be polled, on a repeated and automated basis, for a response to a support query. Likewise, claim 18 recites downloading a polling application from the support provider using a trusted applet and polling, using the polling application, the support provider for a response to the query, on a repeated and automated basis, until a response becomes available or the support session is terminated. As discussed, this limitation is not disclosed by the art on record, and Applicants respectfully submit that claims 14, 15 and 18 are also novel and patentable over the art on record.

Claims 2-12 depend from claim 1, claims 16-17 depend from claim 15, and claims 19-20 depend from claim 18. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claims 1, 15 and 18, Applicants submit that claims 2-12, 16-17 and 19-20 are also allowable at least by virtue of their dependencies.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.
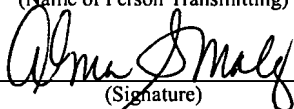
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,
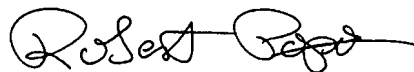
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